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GROUP 120

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

LLOYD M. SMITH ET AL.

Serial No.: 106,232

Group 128

Filed: October 7, 1987

Examiner K. Krupen

For: AUTOMATED DNA SEQUENCING TECHNIQUE

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April 3, 1990

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DECLARATION UNDER RULE 132


I, Elgin Edwards, declare under penalty of perjury:

I am Assistant Director of Patents and Licensing at California Institute of Technology (Caltech). In that capacity I am a custodian of the records pertaining to Caltech's patent applications and patents, licenses, and royalty income generated from such licenses. Caltech's records show that the above patent application is owned by California Institute of Technology (Caltech) and is licensed to Applied Biosystems, Inc. (ABI).

Under the license, ABI manufactures and sells an automated DNA sequencer which incorporates a process for the electrophoretic analysis of DNA fragments produced in DNA sequencing wherein DNA fragments tagged with least one chromophore or fluorophore are detected as they are resolved by electrophoresis through a gel.

From the first commercial sale by ABI in 1986 through December, 1989, Caltech's files and records reflect that royalties were received from ABI on at least 280 DNA sequencers which were sold for in excess of \$20,000,000. The royalties received were in excess of \$790,000.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

  
Elgin Edwards, Esq.